

**REMARKS**

Claims 1-45 were pending in the present application. By virtue of this response, claims 6 and 13-45 have been cancelled, claims 1-3, 5, and 7 have been amended, and new claims 46-60 have been added. Accordingly, claims 1-5, 7-12 and 47-60 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Support for the changes to claim 1 is at 0040 and 0044. Support for new claims 46, 55 and 60 is at 0040 and 0041. Support for claims 47-49 and 52 is at original claims 2, 3, 8, and 12, respectively. Support for claims 50-51 is at 0044. Support for claims 53 and 54 is at 0040, with the generic term for Teflon used in claim 54. Support for claims 56-58 is at original claims 3, 7 and 12. Support for new claim 59 is at 0040, 0041 and 0043. In claims 6-11, coil screw has been changed to coil, to clarify the description.

Turning to the prior art, the claims are patentable over Martin et al US 2003/0167071 A1 because Martin et al does not disclose a needle within a tube, as claimed. Indeed, needles are mentioned only once in Martin et al, at 0074, which states:

"Optionally, the kits may further include one or more of any of the other system components described above, such as a loading tool 200, a suture strands 104, 106, a textured suture strand 602, and/or a delivery catheter 520. In addition, other items may be included related to the medical procedure, such as catheters, guidewires, introducers, dilators, and needles, to name a few." (emphasis added).

Clearly, the single mention of "needles" here as one of many different items that could be included in a kit, cannot reasonably suggest a needle within a tube, as claimed. No relation to any tube, or movement of the needle relative to the tube, is disclosed.

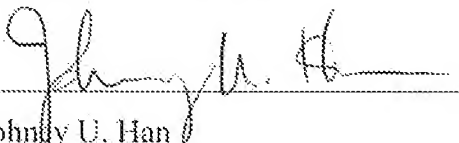
Regarding claims 7-11, the claimed coil is the e.g., the coil 24 shown in Fig. 1 and described at 0041. In the embodiments of the catheter including a coil, the coil is necessarily attached to, and essentially a permanent part of, the catheter. As noted by the Examiner at the top of page 4 of the 3/15/2006 Office Action, in Martin et al, the fastener 100 has a coil 102. However, the fastener is the leave behind part. It is not part of the catheter, as claimed.

Turning to the rejection of claims 3-5 over the combination of Martin et al and O'Keefe US Patent No. 6,921,378, the apertures 504 and 508 in Martin et al are in the fastener 100 as shown in Figs. 17 and 18. The fastener 100 is loaded into the outer tube 526 as shown in Fig. 19. The fastener 100 is not part of the outer tube. In contrast, claim 3 describes slots in the tube, which provides for better flex characteristics of the torqueable tube of claim 1. Martin et al is silent on any flexing characteristics of either the fastener 100 or the outer tube 526. The ability to flex and transmit torque, as claimed, appears to be irrelevant (and not disclosed) in Martin et al. The apertures 504 and 508 in the fastener 100 are clearance openings for the suture, and are unrelated to any torque or flexing characteristic. Claims 3-5 are accordingly not obvious over the combination of Martin et al and O'Keefe.

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



Johnny U. Han  
Registration No. 45,565

**Customer No. 40518**  
Levine Bagade Han LLP  
2483 East Bayshore Road, Suite 100  
Palo Alto, CA 94303  
Direct: (650) 242-4217  
Fax: (650) 284-2180